

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

IN RE:

CASE NO.: 10-02049-8-JRL

MARION GLENN SMITH
VIRGINIA LOIS SMITH,

DEBTORS

CHAPTER 7

MOTION TO EXTEND TIME TO OBJECT TO EXEMPTIONS

Now comes David M. Warren ("Trustee"), trustee for the above-referenced bankruptcy estate, by and through counsel, and moves the court to extend the time to object to the exemptions claimed by the Debtors. In support of this Motion, the Trustee shows unto the court the following:

1. This matter is a core proceeding pursuant to 28 U.S.C. §157, and the court has jurisdiction pursuant to 28 U.S.C. §§151, 157, and 1334. The court has the authority to hear this matter pursuant to the General Order of Reference entered August 3, 1984, by the United States District Court for the Eastern District of North Carolina.
2. The Debtors filed a Chapter 7 bankruptcy petition on March 16, 2010, and the trustee was appointed to fulfill the duties as stated in 11 U.S.C. §704.
3. Rule 4003(b) of the Federal Rules of Bankruptcy Procedure provides that the court may, for cause, extend the time fixed for filing objections to exemptions upon the motion of the trustee or a creditor.
4. The time for filing objections to the exemptions pursuant to Rule 4003(b) of the Federal Rules of Bankruptcy Procedure will expire on or about May 22, 2010, and such time has not expired.

5. The Trustee needs additional time in which to evaluate the values of the assets claimed by the Debtors on Schedules A, B and C.

Wherefore, the Trustee prays for the court to extend the time to object to the exemptions claimed by the Debtors for sixty (60) days through and including July 21, 2010.

Dated: May 21, 2010.

POYNER SPRUILL LLP

By: /s/ David M. Warren
N.C. State Bar No. 12581
Attorneys for the Trustee
Post Office Box 1801
Raleigh, NC 27602
Telephone: (919)-783-6400
Facsimile: (919) 783-1075

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NOTICE OF MOTION

TO: All parties in interest.

The party represented by counsel below has filed a Motion to Extend Time to Object to Exemptions with the court ("Pleading").

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want to the court to grant relief sought in the Pleading, or if you want the court to consider your views on the Pleading, then on or before June 7, 2010, unless otherwise ordered, you or your attorney must file with the court, pursuant to Local Rule 9013-1 and 9014-1, a written response, an answer explaining your position, and a request for hearing at

U.S. Bankruptcy Court
P.O. Box 1441
Raleigh, NC 27602-1441

If you mail your request, response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to:

David M. Warren
Poyner Spruill LLP
P. O. Box 1801
Raleigh, NC

Marjorie K. Lynch, Esq.
Bankruptcy Administrator, EDNC
Post Office Box 3758
Wilson, NC 27893-3758

and all other parties in interest.

If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the Pleading at a date, time and place to be later set and all parties will be notified accordingly.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the Pleading and may enter an order granting that relief.

Dated: May 21, 2010

POYNER SPRUILL LLP

By: /s/ David M. Warren
N.C. State Bar No. 12581
Attorneys for the Trustee
Post Office Box 1801
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Telephone: (919)-783-6400
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CERTIFICATE OF SERVICE

I, David M. Warren, of Poyner & Spruill L.L.P. certify:

That I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age;

That on this date, I served a copy of the foregoing Motion to Extend Time to Object to Exemptions and Notice of Motion on:

Marion Glenn Smith
Virginia Lois Smith
1271 Tarbert Dr.
Cary, NC 27511

John T. Orcutt
The law Offices of John T. Orcutt, PC
6616-203 Six Forks Rd.
Raleigh, NC 27615

Marjorie K. Lynch, Esq.
Bankruptcy Administrator, EDNC
Post Office Box 3758
Wilson, NC 27893-3758

by depositing same in the United States mail, first class, postage prepaid.

I certify under penalty of perjury that the foregoing is true and correct.

Dated: May 21, 2010.

POYNER SPRUILL LLP

By: /s/ David M. Warren
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Attorneys for the Trustee
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Raleigh, NC 27602
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